

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANGELO FEARS	:	CASE NO: 1:01-CV-183
Petitioner	:	Judge Walter H. Rice
- vs -	:	Magistrate Judge Michael R. Merz
MARGARET BAGLEY, WARDEN	:	<u>MOTION FOR</u>
Respondent	:	<u>EXTENSION OF</u>
	:	<u>TIME TO FILE REPLY TO</u>
	:	<u>WARDEN'S REPOSE</u>
	:	

Comes now the Petitioner, and moves this court for an order permitting him to file his Reply to the Warden's Response to Fears' Objections to Magistrate's Report until close of business on July 31, 2006 all for the reasons more fully set forth herein.

MEMORANDUM IN SUPPORT

Petitioner's lead habeas counsel has been overwhelmed. Counsel for Petitioner is scheduled to begin a five day civil trial in the cases of Coffman and Fairbanks Industries Inc. vs. Calvary Contracting Inc. case number 2004CV24724 and Fayette Drywall Inc. vs. Calvary Contracting Inc. case number 2004CV24807 in the Preble County Court of Common Pleas on Monday, June 26, 2006.

Counsel for Petitioner in the last two weeks has attended depositions in Bellefontaine, Ohio, Tampa, Florida, San Francisco, California and Newark, New Jersey in the wrongful death case of James Hagan, Executor vs. Ohio Presbyterian Retirement Services case number CV 2005 04 1153. Counsel for Petitioner has two more depositions pending: July 7, 2006 in Middletown, Ohio and July 11, 2006 in Boston, Massachusetts. The trial is scheduled to begin Monday, August 7, 2006 and is slated to last all week.

On May 18, 2006 Counsel for Petitioner paid his course fee in order to attend the 32nd Annual Federal Law Seminar scheduled for July 27 and July 28, 2006 at Miami University in Oxford, Ohio.

Pursuant to Loc. R. 7.3(a), Counsel for Petitioner contacted Mr. Stephen Maher, Assistant Ohio Attorney General today's date for his consent. Mr. Maher was unavailable. In Mr. Maher's absence, Charles Willie has no objection to the extension that is being requested.

For all the foregoing reasons, counsel asks the court to further extend the deadline for Reply to the Warden's Response to Fears' Objections to Magistrate's Report.

Respectfully submitted:

s/Lawrence J. Greger
Lawrence J. Greger
Attorney at Law 0002592
Suite 1100 Liberty Tower
120 W. Second Street
Dayton, Ohio 45402
(937) 223-3153
lgreger912@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was electronically served on Stephen Maher, Assistant United States Attorney.

s/Lawrence J. Greger
Lawrence J. Greger